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INTERNATIONAL PRELIMINARY EXAMINATION
(PCT Article 36 and Rule 70)

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Applicant's or agent's file reference AX030002WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/ES 03/00006	International filing date (day/month/year) 09.01.2003	Priority date (day/month/year) 07.11.2002
International Patent Classification (IPC) or both national classification and IPC B65D17/28		
Applicant MIVISA ENVASES, S.A.U. et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet. <input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of 5 sheets.
3. This report contains indications relating to the following items: I <input checked="" type="checkbox"/> Basis of the opinion II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 23.10.2003	Date of completion of this report 10.02.2005
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Janosch, J Telephone No. +49 89 2399-7525 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/ES 03/00006**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-5 received on 14.12.2004 with letter of 13.12.2004

Claims, Numbers

1-7 as originally filed

Drawings, Sheets

1-2 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-7
	No: Claims	
Inventive step (IS)	Yes: Claims	1-7
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-7
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following document:
D1: ES 0 152 778 U.
2. The document D1 is regarded as being the closest prior art to the subject-matter of claim 1, and shows (cf. page 3, lines 22 - page 4, line 24, figures 1-4) an easy open lid comprising a cut line and a punch-tear away pull tab with a rounded vertex, attached to the lid by means of a rivet where the curvature of the cut line is adapted to the curvature of a punching vertex of the ring tab.

The subject-matter of claim 1 differs from this known easy-open lid in that the cut line is provided with a break segment, with a curved path, having a curvature center coinciding with the rivet for attaching the ring tab to the lid.

The subject-matter of claim 1 is therefore new (Article 33(2) PCT).

The problem to be solved by the present invention may be regarded as to improve the easy-opening of the lid even if the ring tab is moved away from its ideal position.

The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) since the cited prior art does not comprise any hint to form the breakage segment with a curvature center coinciding with the rivet that attaches the ring tab to the lid. Thus, any movement of the rounded vertex is along the breakage segment.

Claims 1-7 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

3. The subject-matter of claim 1 is not clearly defined (Art. 6 PCT), since it comprises a contradiction. On the one hand it is defined in claim 1 that a cut line is parallel to the perimeter of the lid and on the other hand that a breakage

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segment, which is a part of the cut line, has a curved path with a curvature center coinciding with the rivet for attaching the ring tab. This seems to be correct only if the rivet is in the center of the lid, but the subject-matter of claim 1 does not seem to be limited to these dimensions. Consequently, the term "parallel" has been understood as "substantially parallel" for the purpose of examination.

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EASY-OPEN LID

OBJECT OF THE INVENTION

The present invention, an easy-open lid, applies to the field of metal containers, specifically of those containers used for food commercialization, such as tins, cans, etc., and specifically focuses on the opening means of the lid thereof, commonly called "easy-open".

The invention is specifically related to the classic groove or cut which are provided on lids of this type of containers, for facilitating the opening thereof by means of a punch-tear away ring tab.

BACKGROUND OF THE INVENTION

In the preferred scope of practical application of the invention, sealed food packaging, metal containers are conventionally used, the lid of which is provided with a perimetral groove or cut line, as well as a ring tab provided with a punch vertex overlapping said cut line, such that in normal conditions, the ring tab is parallel and adjacent to the lid, whereas during the opening maneuver, it swings thereon such that initially, and through its punch vertex, it causes the start of the tearing of the lid, and then it causes the complete tearing away thereof by pulling on said ring tab.

This solution, perfectly valid from the theoretical point of view, presents drawbacks in practice derived from an incorrect positioning of the ring tab. In this aspect, it happens quite frequently that, during the ring tab manufacturing process, or in the subsequent sealing, filling, sterilization, handling processes, etc., of the container, said ring tab undergoes a slight rotation, causing a modification of the theoretical position provided for its punch vertex with regard to the cut of the lid, since the ring tab rotates about the point where it is attached to the lid, noticeably eccentric with regard to the latter, whereas the cut line defines a path parallel and close to the contour of said lid, therefore more or less spacing occurs between the

punch vertex of the ring tab and the cut of the lid, causing a significant increase of the force necessary to begin the opening operation, i.e. for causing the punching or breaking of the cut line, after which the lid is subsequently torn away.

This increase of force contributes to significantly increasing the number of lids in which the ring tab cannot overcome the cut and does not open the lid, even occasionally causing the ring tab to break since the hole which connects the ring tab to the lid by means of a rivet, becomes deformed, with the subsequent release of the ring tab and inability to use the container opening mechanism.

US patent US3,762,596-B discloses a can lid having means on it which prevent the rotation of the ring tab, said means consisting of respective outward projections on both sides of the ring tab. It also has a cut line the path of which in the ring tab operation area is different from that of the rest of said cut line. Specifically, the cut line in that initial breakage area is elliptical in order to space the cut line from the edge of the can and to facilitate the manufacturing process of the can. The devices used for preventing the rotation of the ring tab do not ensure that, during the handling of the can in the different manufacturing processes thereof, it will not slightly rotate, although it does reduce said rotation. Due to the elliptical configuration of the cut line in its initial breakage area, a minimum rotation of the ring tab will prevent the punch vertex thereof from acting on said initial breakage area, therefore originating the aforementioned drawbacks in opening the can.

DESCRIPTION OF THE INVENTION

The improvements proposed by the invention satisfactorily solve the drawback explained above, ensuring a proper operation of the punch ring tab, even when said ring tab is significantly rotated with regard to its theoretical correct position.

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Therefore more specifically, the invention entails changing the path of the cut line, specifically in the segment thereof facing the punch ring tab, such that by said cut line maintaining a general path parallel and close to the contour of the lid, in said area facing the ring tab it undergoes two symmetrical inflections with regard to the theoretical punch point, which frame an intermediate segment in which the path of the cut is arcuate, specifically with a curvature center arranged in correspondence with the rivet of the ring tab, such that after a rotation of the ring tab, its punch vertex remains in place on said cut.

The amplitude of said arcuate segment with a curvature in the rivet of the ring tab will vary according to different constructive criteria, this amplitude necessarily being greater than 1° , although it is convenient for said arcuate segment to not exceed 80° .

Said arcuate segment will be join the rest of the cut through also rounded inflections which "smooth" the path of said cut and which, accordingly, favor tearing away the lid.

Evidently the improvements of the invention are applicable both to circular and elliptical or rectangular lids, which are the three conventional configurations in this type of metal containers.

In any case and according to the described structure, it is achieved that, even due to a significant rotation of the ring tab, which can reach 10° to the right or left, said ring tab keeps its punch vertex on the cut line, causing the proper punching thereof with a minimum force.

DESCRIPTION OF THE DRAWINGS

To complement the description that is being made and for the purpose of aiding to better understand the features of the invention according to a preferred practical embodiment thereof, a set of drawings is attached to said description as an integral part thereof which, with an illustrative and non-limiting character, show the following:

Figure 1 shows a schematic plan view of an easy-open lid for metal containers provided with the improvements object of the present invention.

Figure 2 shows an enlarged detail view of the lid of the previous figure, in the area thereof in which said improvements are made.

Figure 3 shows, according to a view similar to figure 1, another type of conventional easy-open lid, also provided with the improvements of the invention.

PREFERRED EMBODIMENT OF THE INVENTION

In view of the figures, and more specifically of figure 1, it can be seen how the improvements of the invention are applicable to a lid made of a laminar body (1), in this case having a circumferential contour, as this lid is intended for a cylindrical container, provided with a marginal strip (2) through which, by seaming or by any other means, the body (1) is attached to the opening of the container, not shown, and is provided inside said marginal strip with a cut or perimetral groove (3) which is intended for tearing away the lid (1) during the container opening maneuver, opening which is carried out with the collaboration of a ring tab (4) attached to the body (1) of the lid with the collaboration of a rivet (5), and provided with, in opposition to the ring tab (4) itself, a punch vertex (6) which must be located on the cut line (3) on which it acts when the ring tab (4) is manually swung on the rivet (5) which fixes the ring tab to the body (1) of the lid. The lid (1) can adopt the circular configuration of figure 1, the rectangular configuration with rounded vertices of figure 3, or any other configuration conventional in this type of containers, such as an elliptical configuration, also normally being provided with deep-draws (7) which stiffen its structure.

Therefore, from this basic and conventional structure, according already to the invention, the cut line (3), in its area where it faces the ring tab (4), undergoes a variation in

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its path, defining a breakage segment (8) in a circumference arc shape, having a curvature center (9) arranged in correspondence with the center of the rivet (5), as can particularly be seen in figure 2, such that the mid-point of this arcuate breakage segment (8) is located in correspondence with the theoretical point (10) provided for operating the punch vertex (6) of the ring tab (4) when the latter is correctly located in the context of the lid (1).

As previously mentioned, this results in that, after an accidental rotation of the ring tab (4) at any time throughout the container handling process, its punch vertex (6) is kept perfectly in place facing the cut line (3), specifically along this breakage segment (8), thereby ensuring that the tearing conditions are optimal.

As was also mentioned above, the amplitude of said breakage segment (8) with a curvature center (9) coinciding with the axis of the rivet (5), can range between 1° and 80°, the amplitude of said arc preferably being 20°, 10° on each side of the theoretical point (10) provided for operating the punch vertex (6) of the ring tab (4) when the latter is correctly located in the context of the lid (1), and said breakage segment (8) will join the rest of the cut line (3) by means of double, offsetting and arcuate inflections (11-11'), which facilitate tearing away the lid (1), preventing the existence of sharp bendings in said cut line (3) which could negatively affect tearing away the lid.